

REMARKS

This application has been carefully reviewed in view of the current Office Action and the undersigned respectfully requests reconsideration in view of the above amendments and the following remarks.

The Claim Objections

The amendments suggested by the Examiner are adopted in the present amendment. Applicant appreciates the constructive and accurate comments.

The Novak Reference

As noted in the prior response, the current Office Action utilizes the Novak published patent application (Novak) in formulating each rejection in the current Office Action. Novak discloses a system and method for providing programming to a collection of end users. However, as understood by the undersigned, Novak differs from Applicant's claimed invention in a number of significant ways as follows:

1. In Novak, a user uploads content to a web site.
2. Other users are provided access to the content by providing a link to the web site.
3. Content is provided to other users by streaming content from the web site.
4. The recipient users receive the content through use of an EPG that lists a "simulated channel" that the user selects as though it were a real television channel. Upon making this selection, the user is linked to the web site.

This contrasts with embodiments consistent with the present invention, as characterized by the rejected claims, which have been amended to clarify and highlight the existing distinctions as follows:

1. User content is uploaded from a set-top box directly to the television service provider headend. No web site intermediary is needed.

2. Other users are provided access to the content by transmission directly from the television service provider. There is no need to link to a web site URL to access the content.
3. Content is provided to other users by accessing an actual television channel. No web site intermediary is needed.
4. Content is provided to other users by accessing an actual television channel rather than a "simulated channel" which simply links the user to the web site in order to access the content.

Although the claims were previously amended to highlight these distinctions, certain of the claims have been further amended to even more fully highlight these distinctions. As noted previously, the claims are believed to distinguish over the cited art, even without such amendments, when the details of the claim language are examined, since adequate distinctions are believed inherent in the originally submitted language. The current Office Action indicates that items 2-4 above are not present in the claims, but it is submitted that the language implicitly calls out such distinctions. However, in order to yet further clarify the language, Applicants submit the current amendments.

In view of these amendments and the above arguments, the claims are submitted to clearly distinguish over the cited art.

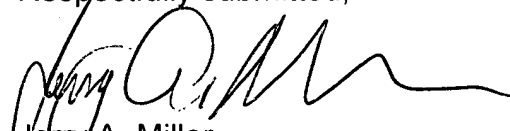
The Enclosed Declaration

In addition to the amendments noted, the undersigned submits herewith a declaration under rule 131, submitted on behalf of the assignees of this application. In view of this declaration, it is submitted that the Novak reference is no longer viable prior art. While such declaration is believed unnecessary in view of the above, it is submitted in order to expedite allowance of the present application. Accordingly, allowance is believed appropriate and is respectfully requested at an early date.

The undersigned additionally notes that many other distinctions exist between the cited reference and the invention as claimed. However, in view of the clear deficiencies in the art as pointed out above, further discussion of these deficiencies is believed to be unnecessary at this time; failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position.

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If the Examiner feels that additional issues remain to be resolved prior to allowance of all claims, the undersigned respectfully requests the courtesy of a telephonic interview prior to issuance of the next Office Action. The undersigned can be reached at the telephone number given below.

Respectfully submitted,


Jerry A. Miller
Registration No. 30,779

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Please Send Correspondence to:
Jerry A. Miller
Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Fax: (919) 816-9982

Customer Number 24337

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